

REMARKS

Claims 1-22 are pending. Claims 1-5 and 7-18 stand rejected.

Claim 6 is allowed and claims 19-22 are objected to.

Claims 1, 6 and 11 are independent.

Applicant's drawings are objected to in the Office Action for failing to show features recited in claims 4 and 15-16.

With regard to claims 4 and 15-16 the connections to the first electrical outlet and second electrical outlet are shown in at least Fig. 2 where connection 160 is connected to device 100 and device 150. This is supported in the specification, for example paragraphs 42-44, and is further described in U.S. Patent No. 6,151,480 which was incorporated by reference. It is respectfully requested that the objection to the drawings be withdrawn.

Claims 1, 7, 10-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bullock et al. (2002/0049036) (hereinafter Bullock) in view of Berger et al. (US 5,758,263) (hereinafter Berger).

It is respectfully submitted that the combination of Bullock and Berger fail to teach or render obvious applicant's claimed features for at least the below reasons.

Claim 1, for example, recites: said base station including means for testing using wireless communication between said base station and said remote unit and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit.

The Office Action agrees that this feature is not found in Bullock and points to Berger, col. 5, lines 36-54 to show selecting a frequency providing a strongest reception from a plurality of available channels.

However, Berger describes selecting the frequency with the signal having the weakest reception (RSSI). Berger teaches in col. 5, lines 6-16: "the error recovery protocol is used to identify the best channel to use. This involves having the base station scan all channels, for example with the scanning pattern shown in FIG. 1, and determine the received signal strength, RSSI, on each channel which is not carrying a signal. The channel with the **lowest** received signal strength is the channel with the least amount of interference and thus the clearest channel." (emphasis added).

Clearly, Berger scans all channels for the channel with the lowest RSSI and picks that channel as the best channel. In contrast applicant claims selecting a frequency providing a strongest reception.

Furthermore, Berger describes scanning channels where the mobile (handset) is not transmitting on. See col. 5, line 11 and col. 5, lines 17-21 of Berger. In contrast, applicant claims testing using wireless communication between said base station and said remote unit.

If Berger's base station is scanning on channels where the mobile is not transmitting on, then Berger cannot be testing using wireless communication between said base station and said remote unit as claimed by applicant in claim 1.

In Berger, once the channel with the lowest received power is found, then the base pings the handset to tell the handset which channel to switch to and then the base sends a test signal to see if communication is available on the selected link (Berger col. 3, lines 36-54).

Clearly Berger fails to teach at least the foregoing features as recited in claim 1.

Independent claim 11, although different from claim 1, also includes similar features at least in steps (e) and (f) which are not found in Berger for at least the foregoing reasons. As pointed out above Berger teaches picking the weakest signal strength, which is opposite of the feature recited in claim 11.

Because the combination of Bullock and Berger teach features different from, and in fact opposite to, applicant's claimed invention, it is respectfully requested the rejection of independent claims 1 and 11 be withdrawn.

Each of the other rejected dependent claims 2-5, 7-10 and 12-18 are rejected by at least Bullock in combination with Berger. As pointed out above this combination of references fails to teach each and every claimed feature of claims 1 and 11, and since claims 2-5 and 7-10 depend from claim 1, and claims 12-18 depend from claim 11, claims 2-5, 7-10 and 12-18 are patentable for at least the same reasons as claims 1 and 11.

Each of the claims 2-5, 7-10 and 12-18 also includes additional distinguishing features not found in the prior art.

For example, applicant's claim 2 includes comparing levels of test patterns communicated between said base station and said remote unit. The Office Action points to col. 3, lines 36-54; however, applicants respectfully submit this is not taught by Berger. Berger teaches that after the channel is selected, a test signal is sent to validate that the channel is

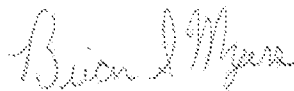
available. There is no comparing of levels of test patterns suggested anywhere in Berger. The Office has not established a *prima facie* case of obviousness for claim 2 because it has not identified the feature(s) of the cited reference which correspondingly teach or suggest comparing levels of test patterns.

In view of at least the foregoing remarks, it is respectfully requested the rejections be withdrawn. Passage of this case to allowance is earnestly solicited. Should the Examiner require anything further from Applicant, the Examiner is invited to contact Applicant's undersigned representative.

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Respectfully submitted,

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